

REMARKS

Claims 19-21 are presently pending. Claims 1-18 are cancelled without prejudice.

Claims 19-21 were rejected under 35 U.S.C. § 103(a) as being obvious from Mair.

It is noted that the current application was filed on 12/27/2001 and claims priority to Provisional applications 60/313,610 filed 8/20/2001 and 60/313,441 filed 8/17/2001. The Mair reference was filed on 10/15/2001 and claims priority to provisional application 60/296,924 filed on June 8, 2001.

Assignee respectfully submits that Mair is not prior art. "The 35 U.S.C. 102(e) critical reference date of a U.S. patent or U.S. application publications and certain international application publications entitled to the benefit of the filing date of a provisional application under 35 U.S.C. 119(e) is the filing date of the provisional application with certain exceptions **if** the provisional application(s) properly supports the subject matter relied upon to make the rejection in compliance with 35 U.S.C. 112, first paragraph. that the '924 properly supports the subject matter (e.g.,) relied upon to make the rejection in compliance with 35 U.S.C. 112, first paragraph." MPEP 2136.03

Claim 19 was rejected under 35 U.S.C. § 103(a) as being obvious from the Mair reference. In rejecting claim 19, Examiner relies on Mair [0042], lines 4-6, [0033], lines 7-19, [0035], lines 7-16, and generally [0041]-[0044].

Assignee respectfully submits that the '924 Application does not properly support the subject matter relied upon to make the rejection, that is Mair [0042], lines 4-6, [0043], and generally [0041]-[0044].

For example, Mair, [0041]-[0044] are copied below:

[0041] FIG. 4 illustrates a technique 400 for using some of the DC balancing bits to transport audio information over a communications link in a manner that does not change the data recovered by either a DVI-CE receiver, or a legacy receiver (installed base) that employs a sequential group of 4 words ($N=4$). The first word 402 will again be unmodified except in the consideration given to the disparity value when deciding whether to invert the data for DC balancing in a manner such as discussed above with reference to FIG. 3. The three subsequent words 404, 406, 408 will have their DC balance bits 405, 407, 409 replaced with audio data (X_0 , X_1 and X_2 respectively). Since bits 0 through 7 of words 2, 3 and 4 (404, 406, 408) will be inverted by the receiver (based on the audio data), the inverse operation must be performed prior to transmission. So that the data stream can be DC balanced, the single valid DC balance bit 403 must be able to influence most of the bits in the group of 40 bits associated with words 1 through 4. This is done by allowing the DC balance bit 403 to invert not only bits 0 through 7 of its own word 402, but also the three audio bits 405, 407, 409 that appear in the three subsequent words 404, 406, 408. Since the audio bits 405, 407, 409 must also control the inversion of bits 0 through 7 of their respective words 404, 406, 408, the DC balance bit 403 ultimately controls the polarity of 36 of the group of 40 bits associated with words 402, 404, 406 and 408. As stated herein before with reference to FIG. 3, transition maximized codes that do not contain DC balancing are sent during the inactive video time (DE inactive). The embodiments discussed herein use the two control signals however, to allow continuous transmission of audio data during such inactive video times.

[0042] FIG. 5 is a block diagram illustrating a typical system configuration 500 suitable for implementing the encoding techniques 300, 400 depicted in FIGS. 3 and 4 respectively. Encoder 502 receives data on path 504 and encodes the data into a stream of data comprising groups N words such as described herein before. Each word group then contains N words, wherein N is an integer greater than one. Encoder 502 sends the stream of data to modulator 506 on link 508. Encoder 502 may be implemented in a known way.

[0043] Modulator 506 may encode the stream of data received on link 508 in a signal, and transmit the signal on serial communication channel 510. Communication channel 510 may also contain synchronization signals such as data enable (DE) signals discussed herein before. Modulator 506 and encoder 502 may also be implemented in a known way.

[0044] Video receiver 512 receives a signal over serial communication channel 510, and recovers the auxiliary data discussed herein before encoded in the signal in accordance with embodiments of the present invention. Receiver 512 may send the recovered auxiliary data via path 516 to decoder 514 that decodes the auxiliary data to generate data on path 518. If the recovery of the auxiliary data is accurate, the data on path 518 equals the data on path 504. The auxiliary data, as described herein before, can be transmitted without any knowledge of the capabilities of the video receiver 512 to receive the auxiliary data.

It is noted that the '924 application does not support any of the foregoing subject matter that was relied on to make the rejection. For example, 0041-0044 makes reference to Figures 3A, 3B, 4, and 5. None of the foregoing Figures appear in the '924 application. In fact, the '924 does not even disclose a decoder or decoding.

Thus, the 35 U.S.C. 102(e) critical date of Mair should not be the filing date of the '924 Application, but rather the filing date of the utility application, which is October 15, 2001. Since the present application has a priority date August 17, 2001, Mair is not prior art.

Accordingly, Appellant respectfully requests withdrawal of the rejection to claim 19 and dependent claims 20 and 21.

Additionally, even if the '924 application supports the Mair reference, Assignee maintains traverse of the rejection. Examiner has indicated that "Mair discloses several encoding and decoding techniques wherein the encoding is performed with modulation and the receiver/decoder receives the data without being encoded in 0044" Office Action at 3.

Mair, 0044, states, "Video receiver 512 receives a signal over serial communication channel 510, and recovers the auxiliary data discussed herein

before encoded in the signal in accordance with embodiments of the present invention.” Assignee respectfully disagrees that the foregoing teaches that the receiver “receives the data without being encoded”, and submits that the auxiliary data referenced in the above citation was encoded. “[R]ecovers the auxiliary data discussed herein before encoded” means that the auxiliary data was encoded, and when decoding the encoded auxiliary data, the result is recovery of the original auxiliary data.

According to the office action, this step, and others “are considered either equivalent or render the enhanced and un-enhanced encoding/decoding obvious to one skilled in the art”. Since Mair [0044] does not teach “Mair discloses several encoding and decoding techniques wherein the encoding is performed with modulation and the receiver/decoder receives the data without being encoded in 0044”, Assignee respectfully traverses the rejection.

CONCLUSION

For the foregoing reasons, all of the pending claims are distinguishable over the prior art of record. Reversal of the Examiner's rejection and issuance of a patent on the application are therefore requested.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,



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